the fact that since the United States was at war and great demands were being made upon its transportation systems, it could not be said as a matter of law that defendant had violated the Hours of Service Act.

CRIMINAL LAW—EVIDENCE OF OTHER OFFENCES—ADMISSIBILITY.—On a trial for conducting a hotel as a disorderly house, in order to show the bad and discredited character of D's housekeeper, a witness in his behalf, and hence to impeach her credibility, the court admitted her testimony on cross-examination, which was to the effect that she had entered and remained in D's employment at various hotels, with knowledge that he had maintained such hotels as disorderly houses and had been convicted therefor. *Held*, on appeal, that it was error to admit such testimony. *People* v. *Richardson*, (N. Y., 1917), 118 N. E. 514.

It seems clear that such evidence does not come within the purview of the general rule which permits the introduction of evidence of one's bad character for truth and veracity in order to discredit a witness. And, according to the prevailing doctrine, evidence of the witness' bad general character is inadmissible for this purpose. 1 GREENLEAF, EV., 461 a. But this rule assumes a relaxed form when the impeaching testimony is elicited on cross-examination of the witness himself, where the range of evidence admissible for the purpose of discrediting is very liberal and defined only by the discretion of the trial judge. 2 WIGMORE, EV. 944. Thus, it has been held that questions affecting the general character of the witness are not incompetent on cross-examination. *Brockett* v. *N. J. Steamboat Co.*, 18 Fed. 156; *State* v. *Pugsley*, 75 Iowa 742; *State* v. *Kent*, 5 N. D. 516, *semble*. *Contra*: *State* v. *Houx*, 109 Mo. 654; *Pratt* v. *Rawson*, 40 Vt. 183. The witness may be interrogated as to his particular traits of character or habits, chastity, and occupation. *Campbell* v. *State*, 23 Ala. 44; *Johnston* v. *Farmers' Fire Ins. Co.*, 106 Mich. 96; *State* v. *Merriman*, 34 S. C. 16; *People* v. *Webster*, 139 N. Y. 73; *People* v. *Giblin*, 115 N. Y. 196; *Boles* v. *State*, 46 Ala. 204; *State* v. *Coella*, 3 Wash. 99; *Thompson* v. *State*, 35 Tex. Cr. R. 511. *Contra*: *People* v. *Un Dong*, 106 Cal. 83; *State* v. *Gleim*, 17 Mont. 17; *State* v. *Weems*, 96 Iowa 426; *Howel* v. *Com.*, 5 Grat. 664. A comprehensive array of cases establishes the rule that a witness may be asked concerning particular acts or facts. *Oxier* v. *U. S.*, 1 Ind. T. 85; *State* v. *Hack*, 118 Mo. 92; *People* v. *Williams*, 92 Hun. 354; *State* v. *March*, 46 N. C. 526; *Baker* v. *Trotter*, 73 Ala. 277. *Contra*: *Thiede* v. *Utah*, 159 U. S. 510; *Holbrook* v. *Dow*, 78 Mass. 357; *Bessette* v. *State*, 101 Ind. 85; *State* v. *Wooderd*, 20 Iowa 541. These cases indutiably indicate that the interrogation of a witness on cross-examination is permissible, if, within the judgment of the trial court, such is relevant to the inquiry concerning the witness' credulity; so it seems that on this score there was no error in admitting the housekeeper's testimony. But the court went on the theory that "the evidence was inadmissible, not because it did not legitimately tend to prove an immoral and discredited character of the witness, but because illegitimately and beyond obviation it would subject the defendant to the prejudice and injustice which the reasons declare and condemn". The sec-

ond question then simply is whether, conceding the evidence was admissible to impugn the witness' credit, it was rendered inadmissible because it was apt to be prejudicial to D. It is unquestionably the rule that evidence of the bad character of the defendant is inadmissible, except to rebut evidence of good character introduced by him, unless the defendant has testified in his own behalf, which would subject him to the same impeachment as any other witness. See GREENLEAF, EV., 14b; 1 WIGMORE, EV., 57, 58; 1 JONES, EV., 148a. In the instant case, D. introduced no evidence of his good character, nor did he testify in his own behalf, so that the scope of that rule could not justify its admission; and it seems that it was on this theory that the instant case was decided. The court apparently disregarded the rule, equally well established, that evidence inadmissible for one purpose will not be thereby rendered inadmissible for another purpose. See 1 WIGMORE, EV., 13; 1 JONES, EV., 173, p. 895.

CRIMINAL LAW—PRESUMPTIONS—CHARACTER OF DEFENDANT.—Where trial court refuse to instruct the jury that the defendant was presumed to be a person of good character and that the supposed presumption should be considered as evidence in favor of the accused, *Held,* such refusal proper. *Greer* v. *United States,* 38 Sup. Ct. 209.

This judgment upholds a carefully reasoned decision in *Price* v. *United States,* 218 Fed. 149, and numerous state cases and text-books; but as another Circuit Court of Appeal had taken a different view, *Mullen* v. *United States,* 106 Fed. 892, also taken by other cases and text-books it became necessary for the Supreme Court to settle this doubt. The Supreme Court was of the opinion that their's was the only reasonable view since a presumption upon a matter of fact, when it is not merely a disguise for some other principle, means that common experience shows the fact to be so generally true that courts may notice the truth. Whatever the scope of the presumption that a man is innocent of the specific crime charged, it cannot be said that by common experience the character of most people indicted by a grand jury is good. For authorities and clear discussion of principles involved see 13 MICH. L. REV. 504.

MASTER AND SERVANT—INJURY TO THIRD PERSON—THE RELATION—HIRING CHAUFFEUR.—Defendant (for a fixed amount) hired of a company, for his use, for a period of 3 months, an automobile with a chauffeur, all orders to be taken from the defendant. While the defendant was riding in the automobile, it struck and killed plaintiff's intestate, as a result of the negligence of the chauffeur. *Held,* that the chauffeur had become *pro hac vice* the defendant's servant, making defendant liable for the negligent driving. *McNamara* v. *Leipzig,* (App. Div., 1917), 167 N. Y. S. 981.

The first reported case involving the point involved in the instant case was *Laugher* v. *Pointer,* 5 B. & C. 547, where the owner of a carriage hired of a stable-keeper a pair of horses to draw the carriage for a day, and the owner of the horses provided a driver, through whose negligence an injury was done to a horse belonging to a third person; and the four members of